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6 Attorney for Defendant,
WALGREEN CO.

7
8 **UNITED STATES DISTRICT COURT**
9 **FOR THE DISTRICT OF NEVADA**

10 SHARLENE CRIBBS,)
) Case No.: 22-cv-1167
11)
Plaintiff,)
12)
vs.)
13)
WALGREEN CO. dba WALGREENS, a)
14 Foreign Corporation; DOE)
EMPLOYEES OF WALGREENS, DOES)
15 1-20 and ROE BUSINESS ENTITIES)
1-20, inclusive)
16)
Defendants.)
17)

NOTICE OF REMOVAL OF
ACTION UNDER 28 U.S.C. §
1441 (B) (DIVERSITY)

18 TO THE CLERK OF THE ABOVE-ENTITLED COURT:

19 PLEASE TAKE NOTICE that Defendant WALGREEN CO. hereby
20 removes to this Court the state court action described below.

21 1. On June 3, 2022, an action was commenced in the District
22 Court for Clark County, Nevada, entitled SHARLENE CRIBBS v.
23 WALGREEN CO. dba WALGREENS, DOE EMPLOYEES OF WALGREENS, DOES 1-
24 20, ROE BUSINESS ENTITIES 1-20, Case No: A-22-853533-C. A copy

1 of the Complaint and Initial Appearance Fee Disclosure are
2 attached hereto as **Exhibits A and B**, respectively.

3 2. Defendant WALGREEN CO. received a copy of said Complaint
4 on June 17, 2022, when Defendant's agent accepted service of
5 said Summons and Complaint on its behalf. A copy of the
6 Affidavit of Service is attached hereto as **Exhibit C**.

7 3. This is a civil action of which this Court has
8 original jurisdiction under 28 U.S.C. § 1332 and is one which
9 may be removed to this Court by Defendant pursuant to the
10 provisions of 28 U.S.C. § 1441(b) in that it is a civil action
11 between citizens of different states and the matter in
12 controversy exceeds the sum of \$75,000, exclusive of interest
13 and costs.

14 4. Plaintiff is a citizen of the State of Nevada.
15 Defendant WALGREEN CO. was at the time of filing this action,
16 and still is, a corporation incorporated under the laws of the
17 State of Illinois, having its principal place of business at
18 Deerfield, Illinois.

19 5. On July 8, 2022, Defendant WALGREEN CO. filed its
20 Initial Appearance Fee Disclosure, Answer to Plaintiff's
21 Complaint and Demand for Jury Trial. A copy of the Initial
22 Appearance Fee Disclosure, Answer to Plaintiff's Complaint and
23 Demand for Jury Trial are attached as **Exhibits D, E and F**,
24 respectively.

1 6. On July 12, 2022, Plaintiff filed a Request for
2 Exemption from Arbitration asserting that Plaintiff was just
3 outside the entrance of Walgreens and tripped and fell on a
4 small liquor bottle and suffered bodily injuries. A copy of
5 Plaintiff's Request for Exemption from Arbitration is attached
6 hereto as **Exhibit G**, see 1:22-26. Plaintiff is claiming medical
7 expenses totaling \$70,132.82, consisting of past medical
8 expenses of \$22,132.88 and future medical expenses of \$48,000
9 for cervical injections recommended by Desert Orthopedic Center.
10 See, **Exhibit G**, 2:1-18. Based upon the foregoing, it is
11 reasonable to conclude that the amount in controversy exceeds
12 \$75,000.

13 7. Removal is timely as Defendant WALGREEN CO. filed this
14 notice of removal within thirty days of Plaintiff filing her
15 Request for Exemption from Arbitration, which is the first paper

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1 in the action indicating a case value, and within one year of
2 the Complaint's filing. 28 U.S.C. § 1446(b). (See Harris vs.
3 Bankers Life & Cas. Co. 425 F.3d 689, 694 (9th Cir. 2005)).

4 DATED this 20th day of July, 2022.

5 **RANALLI ZANIEL FOWLER & MORAN, LLC**

6 */s/ George M. Ranalli*

7 **GEORGE M. RANALLI, ESQ.**

Nevada Bar No. 5748

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Nevada Bar No. 8071

9 **JAMES F. HOLTZ, ESQ.**

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Attorneys for Defendant

12 WALGREEN CO.

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CERTIFICATE OF SERVICE

Pursuant to Federal Rule of Civil Procedure 5(b), I hereby certify that I am an employee of RANALLI ZANIEL FOWLER & MORAN, LLC, and that on the 20th day of July, 2022 I caused the foregoing **NOTICE OF REMOVAL OF ACTION UNDER 28 U.S.C. § 1441 (B) (DIVERSITY)** to be served as follows:

☐ by placing a true and correct copy of the same to be deposited for mailing in the US Mail at Henderson, Nevada, enclosed in a sealed envelope upon which first class postage was fully prepaid; and/or

☐ by sending it via facsimile; and/or

☐ by hand delivery to the parties listed below; and/or

☒ via electronic service via the Case Management/Electronic Case Files system:

Betsy Jefferies Aguilar, Esq.
HICKS & BRASIER, PLLC
2630 S. Jones Blvd.
Las Vegas, Nevada 89146
Attorneys for Plaintiff
VIA ELECTRONIC SERVICE

/s/ Vicki Perez

An Employee of
RANALLI ZANIEL FOWLER & MORAN, LLC